

Exhibit C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

YEHUDA KATZ,
on behalf of himself and the class,

Case No.: 12-cv-4173(ENV)(RER)

Plaintiff,

v.

ABP CORPORATION

Defendant.

**DECLARATION OF SHIMSHON WEXLER IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT AGREEMENT**

I, Shimshon Wexler, of full age, hereby certify as follows:

1. I am an attorney duly admitted to practice law in the State of New York and the Bar of this Court. I am co-counsel of record for Plaintiff, Yehuda Katz, and I was previously certified by this Court to serve as Class Counsel in the above-entitled action [Doc. 52]. As such, I am familiar with all of the facts set forth herein and state them to be true. I submit this affidavit in support of Plaintiff's Unopposed Motion for Final Approval of the Class Settlement Agreement and Release.

2. I have been admitted to practice law in the State of New York since January 11th, 2010 and have remained a member in good standing since that time. I am also admitted to practice law before the United States District Courts for the Eastern District of New York, Southern District of New York, Northern District of New York and Western District of New York. I am also admitted to practice before the bar of the Northern District of Florida and the United States Court of Appeals for the Second Circuit.

3. My license to practice law has never been suspended or revoked by the State of New York or by any court. There are no disciplinary proceedings pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction.

4. I received my bachelor's degree from Touro College in 2003 and graduated from New York Law School in 2009.

5. Just following and prior to my graduation from law school and admission to the New York bar I worked as a paralegal and attorney for the law firm of Herzfeld & Rubin, PC.

6. In connection with my foregoing legal work experience, I have worked on a variety of complex commercial and consumer matters. Since leaving Herzfeld & Rubin, PC in late 2010, I have been engaged as a solo practitioner and have a growing practice representing consumers on claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§1692, *et seq.*, the Electronic Funds Transfer Act ("EFTA") 15 U.S.C. §§1693, *et seq.* and the Fair Credit Reporting Act 15 U.S.C. §§1681, *et seq.* I am now, and have been, involved in actions brought as individual claims as well as class actions. My cases have been filed in the Eastern District of New York, Western District of New York, Northern District of New York and the Southern District of New York.

7. I have been certified to act as class counsel in the FDCPA consumer class action lawsuits of *Gonzalez v Relin, Goldstein & Crane, LLP*, U.S. District Court, S.D.N.Y. Case No. 12-cv-783-ER and *Burton v Nations Recovery Center, Inc.* U.S. District Court E.D.N.Y. Case No. 13-cv-1426-BMC and the EFTA consumer class action of *Fried v. The Bank of Castile*, U.S. District Court, W.D.N.Y. Case No. 12-cv-624-WMS.

8. To date, my office has expended a total of 180 hours of total time on this case. Moreover, I expect my office will expend an additional 3 hours of time in concluding the case.

My office has also incurred a \$350 filing fee as well as the cost of service on the defendant of \$60.

9. The majority of my law practice is contingent fee litigation on behalf of plaintiffs. I regularly represent plaintiffs in contingent fee cases in Federal Courts throughout the State of New York. I frequently work with other plaintiff's lawyers who handle cases on a contingent fee basis and, in that regard, I am generally familiar with the range of contingent fee percentages charged by plaintiff's lawyers.

10. My normal hourly billing rates in my law firm are \$300.00 per hour. I submit that this rate is fair and reasonable and is consistent with the rates in the Eastern District of New York based on my knowledge and experience and in light of the risks inherent in bringing and prosecuting cases such as this one. Thus, based on my hourly rates my law firm's fees are \$54,930.00 and my law firm's expenses are \$410.

My hourly rate set forth above is the same as the regular current rate I charge for services in other contingent matters in class action litigation.

In accordance with 28 U.S.C. §1746, I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 1-27-15

By: 

Shimshon Wexler
The Law Offices of Shimshon Wexler, PC
216 W. 104th St. #129
New York, New York 10025
(212) 760-2400
(917) 512-6132 (FAX)
shimshonwexler@yahoo.com

TAX INVOICE

Katz vABP

Invoice Date
Thu, Jan 22 2015**Invoice Number**
INV-1**The Law Offices of**
Shimshon Wexler, PC
Shimshon Wexler
212-760-2400

Description	Quantity (hh:mm)	Unit Price	Amount USD
(16 Aug) draft complaint, civil cover sheet and summons	02:30	300.00	750.00
(24 Aug) send summons and complaint to process server	00:12	300.00	60.00
(12 Sep) phone conversation w/ ABP re time to answer	00:06	300.00	30.00
(12 Sep) email from abp confirming conversation	00:06	300.00	30.00
(27 Sep) phone conversation with Saxl and email w/ stip to extend time	00:18	300.00	90.00
(28 Sep) view Rule 7.1 statement	00:06	300.00	30.00
(26 Oct) file aff. of service ECF	00:06	300.00	30.00
(9 Nov) review pre motion ltr to dismiss	00:48	300.00	240.00
(13 Nov) discuss w/ Spencer Fane possible co-counsel relationship	00:24	300.00	120.00
(14 Nov) further communications w/ Spencer Fane re co-counsel	00:36	300.00	180.00
(14 Nov) prepare response to pre motion ltr/research case law	03:42	300.00	1,110.00
(19 Nov) review ABP's ECF letter	00:18	300.00	90.00
(21 Nov) review ECF order granting motion to amend	00:06	300.00	30.00
(21 Nov) emails w/ co-counsel re deadline to file amended complaint	00:24	300.00	120.00
(21 Nov) draft letter motion for extension of time to amend complaint	00:36	300.00	180.00
(26 Nov) review ecf order granting motion for extension of time	00:06	300.00	30.00
(4 Dec) email w/ Spencer Fane exchange of info re value of ABP and research related to willful violation	02:42	300.00	810.00
(7 Dec) review scheduling order, forward to Saxl	00:24	300.00	120.00
(13 Dec) review and file amended complaint	00:42	300.00	210.00
(21 Dec) review ABP's pre motion ltr	01:12	300.00	360.00
(24 Dec) email w/ co-counsel re response to ABP's pre motion ltr	00:24	300.00	120.00
(26 Dec) email to Saxl re scheduling of 26f conference	00:12	300.00	60.00
(27 Dec) review email from Saxl re optimal to stay case pending mtd/ reply w/ conditions	00:42	300.00	210.00
(2 Jan) review pro hac vice motions	00:18	300.00	90.00
(3 Jan) review pro hac rules EDNY, file pro hac motion	00:36	300.00	180.00
(4 Jan) review orders granting pro hac	00:06	300.00	30.00
(14 Jan) review and calendar Judge Vitaliano's Order	00:12	300.00	60.00
(29 Jan) review mtd	02:06	300.00	630.00
(30 Jan) review mtd	03:36	300.00	1,080.00
(31 Jan) review mtd	03:12	300.00	960.00
(8 Feb) review draft opposition, provide comments, edits	04:30	300.00	1,350.00
(10 Feb) review draft opposition, provide comments, edits	01:42	300.00	510.00
(11 Feb) conversation with Perkins re Todd case in ND Ill, research for our draft opposition	02:36	300.00	780.00
(12 Feb) review final served copy of our opposition	01:18	300.00	390.00
(28 Feb) review final copies filed via ECF	01:18	300.00	390.00

Description	Quantity (hh:mm)	Unit Price	Amount USD
(5 Mar) email from Lamer re email from Saxl re proposed settlement	00:18	300.00	90.00
(21 May) research case law re recent facta decisions, email co-counsel same, suggest to bring to Court's attention a case, prepare draft letter for co-counsel review	04:12	300.00	1,260.00
(22 May) email from Christensen re edits and local rules re supplemental briefing	00:36	300.00	180.00
(29 May) review ECF motion to file supplemental authority	00:18	300.00	90.00
(30 May) file ECF ltr w/ exhibits	00:42	300.00	210.00
(3 Jun) review ECF ltr by Saxl, email w/ co-counsel on motion to strike, call Kate at Judge Vitaliano's chambers	00:54	300.00	270.00
(4 Jun) decision denying mtd, email w/ co-counsel	01:24	300.00	420.00
(6 Jun) calender scheduling order, review prior scheduling order	00:18	300.00	90.00
(10 Jun) emails to/from Christensen re adjourning conference	00:12	300.00	60.00
(11 Jun) review ECF filing motion to adjourn conference	00:12	300.00	60.00
(12 Jun) review and calender ECF order	00:12	300.00	60.00
(24 Jun) emails w/ co-counsel whether coming in for conference	00:12	300.00	60.00
(5 Jul) review answer to complaint	03:30	300.00	1,050.00
(8 Jul) emails re init conference	00:12	300.00	60.00
(9 Jul) emails re attendance at init conference	00:12	300.00	60.00
(10 Jul) call co-counsel re scheduling conference	00:18	300.00	90.00
(11 Jul) review and calender ECF order	00:12	300.00	60.00
(15 Jul) email co-counsel re bringing H&R on board	00:12	300.00	60.00
(16 Jul) arrange conf. call	00:12	300.00	60.00
(17 Jul) conf. call w/ co-counsel re init. conference	00:24	300.00	120.00
(18 Jul) email arrange conference call	00:12	300.00	60.00
(19 Jul) conference call all counsel re init conference	00:30	300.00	150.00
(19 Jul) review settlement ltr by Christensen	00:18	300.00	90.00
(23 Jul) emails re scheduling order	00:18	300.00	90.00
(24 Jul) emails re conference tomorrow	00:24	300.00	120.00
(25 Jul) email w/ co-counsel re init conference, view ECF order	00:12	300.00	60.00
(30 Jul) conf. call co-counsel re mediators	00:24	300.00	120.00
(31 Jul) email w/ co-counsel re mediators	00:12	300.00	60.00
(6 Aug) email from Lash re mediators	00:12	300.00	60.00
(14 Aug) review email from Saxl re mediator choices	00:12	300.00	60.00
(16 Aug) review emails re Deitz's availability	00:12	300.00	60.00
(22 Aug) review emails from co-counsel re willing to use Deitz/ payment arrangements	00:24	300.00	120.00
(22 Aug) phone call w/ Lasg re mediator selection	00:18	300.00	90.00
(23 Aug) email from Saxl, Deitz re mediator initial papers	00:24	300.00	120.00
(26 Aug) email to/from co-counsel re availability re init call other counsel availability	00:42	300.00	210.00
(26 Aug) email re ABP's init disclosure due date	00:18	300.00	90.00
(27 Aug) email to Saxl from Lamer re production of docs prior to mediation	00:12	300.00	60.00
(28 Aug) review ecf filing	00:06	300.00	30.00

Description	Quantity (hh:mm)	Unit Price	Amount USD
(4 Sep) init phone call with Deitz	00:36	300.00	180.00
(4 Sep) review email from Russel re provide mediator w/ submissions	00:18	300.00	90.00
(4 Sep) filing pro hac for Russel	00:12	300.00	60.00
(11 Sep) emails re mediation confidentiality agreement	00:36	300.00	180.00
(12 Sep) email from Lash to Saxl re change to mediation confidentiality agreement	00:12	300.00	60.00
(13 Sep) email from Saxl re change to mediation agreement provide updated one	00:12	300.00	60.00
(16 Sep) email co-counsel whether I have to sign confidentiality agreement	00:12	300.00	60.00
(17 Sep) email signature on confidentiality agreement	00:06	300.00	30.00
(19 Sep) view fully executed confidentiality agreement	00:06	300.00	30.00
(23 Sep) review abp mediation papers	01:48	300.00	540.00
(23 Sep) review facta case law	03:24	300.00	1,020.00
(23 Sep) phone call w/ Rob Lash	00:30	300.00	150.00
(24 Sep) review facta case law	02:48	300.00	840.00
(24 Sep) phone call H&R	00:24	300.00	120.00
(24 Sep) review abp papers	02:18	300.00	690.00
(25 Sep) review facta case law	01:36	300.00	480.00
(30 Sep) review emails from previous days re sufficiency of docs provided by ABP	00:30	300.00	150.00
(30 Sep) research FACTA case law	02:00	300.00	600.00
(1 Oct) call w/ Lash re mediation strategy	00:42	300.00	210.00
(1 Oct) research FACTA/ class action case law	03:30	300.00	1,050.00
(1 Oct) review proposed mediation submission, emails re desire of mediator to receive submission today, final mediation submission w/ exhibits	02:12	300.00	660.00
(2 Oct) phone call w/ co-counsel re mediation	01:36	300.00	480.00
(2 Oct) research facta/class action case law	04:00	300.00	1,200.00
(3 Oct) review letter by Lash to Saxl	00:18	300.00	90.00
(6 Oct) fly from atl to lga	02:00	300.00	600.00
(7 Oct) attend mediation at Deitz's office	09:30	300.00	2,850.00
(8 Oct) fly from lga to atl	02:00	300.00	600.00
(8 Oct) emails re mediation	00:24	300.00	120.00
(9 Oct) phone call w/ H&R, review emails, term sheet from Russel to mediator then one to Saxl	02:12	300.00	660.00
(10 Oct) emails re mediator proposal, conf. call	00:54	300.00	270.00
(11 Oct) view ecf filing	00:06	300.00	30.00
(21 Oct) view ecf filing	00:06	300.00	30.00
(4 Dec) review emails re letter joint status report	00:24	300.00	120.00
(13 Dec) review draft settlement agreement from co-counsel, emails re same	02:30	300.00	750.00
(15 Dec) email re settlement agreement, research reported decisions for Judge in this case	01:36	300.00	480.00
(17 Dec) emails re edits to settlement agreement	00:18	300.00	90.00
(18 Dec) settlement agreement sent to Saxl, emails re related documents	00:18	300.00	90.00
(6 Jan) email to Saxl re status	00:06	300.00	30.00
(7 Jan) email from Saxl re draft	00:06	300.00	30.00

Description	Quantity (hh:mm)	Unit Price	Amount USD
(7 Jan) emails w/ co-counsel re 1/15/14 submission date	00:18	300.00	90.00
(13 Jan) review revisions by Saxl/ email my comments to co-counsel review Lash's comments	03:00	300.00	900.00
(15 Jan) emails re providing status update to court, learn of a docket order on 12/12/13 that was not emailed to parties	00:42	300.00	210.00
(16 Jan) emails re Court's init sched. Order w/ class mot. due tomorrow and whether that is still the case	00:36	300.00	180.00
(16 Jan) email re status of settlement discussions	00:06	300.00	30.00
(17 Jan) emails re adjournment, ecf filings re same	00:18	300.00	90.00
(20 Jan) emails re getting settlement finalized	00:12	300.00	60.00
(23 Jan) emails to/from Christensen outstanding issues for discussion on call	00:18	300.00	90.00
(23 Jan) conf. call w/ co-counsel re outstanding issues	00:48	300.00	240.00
(30 Jan) research case law re claim form, email co-counsel same	01:12	300.00	360.00
(31 Jan) research case law re claim form review proposed claim for by Saxl	02:30	300.00	750.00
(4 Feb) circulate my comments to revised settlement agreement	01:18	300.00	390.00
(4 Feb) suggest a carve out for people w/ actual damages other revisions to settlement agreement	01:30	300.00	450.00
(4 Feb) arrange conf. call tomorrow	00:18	300.00	90.00
(5 Feb) conference call re status of settlement agreement	01:24	300.00	420.00
(6 Feb) phone call w/ Lash re claim form for class members	00:12	300.00	60.00
(6 Feb) emails re whether to agree to that class members need to provide card number	00:24	300.00	120.00
(7 Feb) emails re claim form other settlement terms, proposed ltr to Judge Reyes	01:18	300.00	390.00
(7 Feb) review ecf filing	00:06	300.00	30.00
(10 Feb) review proposed claim form, email comments	00:24	300.00	120.00
(13 Feb) review Saxl's email comments, emails re same	00:18	300.00	90.00
(14 Feb) arrange call amongst co-counsel	00:12	300.00	60.00
(14 Feb) phone call w/ co-counsel re status and deadline and strategy	01:00	300.00	300.00
(18 Feb) phone call w/ co-counsel re pushback from ABP, emails	01:18	300.00	390.00
(19 Feb) phone call w/ co-counsel re settlement	00:12	300.00	60.00
(21 Feb) review and reply emails re Saxl settlement position claim form	01:12	300.00	360.00
(24 Feb) emails re claim form, phone call w/ co-counsel	00:30	300.00	150.00
(25 Feb) emails w/co-counsel re settlement agreement, phone call	00:30	300.00	150.00
(26 Feb) emails re negotiations, review proposed briefing schedule	00:18	300.00	90.00
(27 Feb) emails re updated ABP settlement position	00:24	300.00	120.00
(28 Feb) conf. call w/ co-counsel re current status	00:18	300.00	90.00
(28 Feb) emails re proposed submission and Saxl's changes	00:42	300.00	210.00
(28 Feb) view ecf filing	00:06	300.00	30.00
(3 Mar) view ecf order	00:12	300.00	60.00
(3 Mar) emails concerning Order, discuss concerns w/ short time frame to work with and strategize	01:18	300.00	390.00
(3 Mar) phone call w/ co-counsel	00:36	300.00	180.00
(4 Mar) emails re finalizing settlement agreement	00:48	300.00	240.00
(4 Mar) phone call w/ co-counsel re status, send agreement to plaintiff, explain	02:18	300.00	690.00

Description	Quantity (hh:mm)	Unit Price	Amount USD
(5 Mar) circulate settlement agreement obtain all signatures	00:30	300.00	150.00
(6 Mar) view ect filing	00:12	300.00	60.00
(12 Mar) emails coordinating doing exhibits	00:06	300.00	30.00
(13 Mar) view exhibits, discuss how we are going to make revisions, set up conf call	03:12	300.00	960.00
(14 Mar) view ect order	00:06	300.00	30.00
(17 Mar) review ABP provided docs, review proposed preliminary approval order	02:24	300.00	720.00
(17 Mar) phone call w/ co-counsel re docs	01:54	300.00	570.00
(18 Mar) emails revising settlement agreement	03:12	300.00	960.00
(25 Mar) emails discussing revisions	00:36	300.00	180.00
(26 Mar) review ABP's revisions, emails discussing same, bring Rakoff's facta decision to attention of co-counsel	03:30	300.00	1,050.00
(27 Mar) view revised settlement agreement	01:00	300.00	300.00
(28 Mar) revise settlement docs, send to plaintiff for signature	02:00	300.00	600.00
(31 Mar) emails re settlement agreement revise docs	00:30	300.00	150.00
(1 Apr) emails re claim forms	00:30	300.00	150.00
(2 Apr) phone call w/ co-counsel	00:30	300.00	150.00
(2 Apr) emails re settlement docs	00:12	300.00	60.00
(3 Apr) phone call w/ co-counsel	00:54	300.00	270.00
(3 Apr) prepare declaration	01:00	300.00	300.00
(4 Apr) emails re filing of class motion	00:30	300.00	150.00
(3 Jun) view ect filing	00:06	300.00	30.00
(9 Jun) emails re local practices to provide courtesy copy, circulate Judge Reyes' indiv. rules	00:12	300.00	60.00
(11 Jun) circulate draft letter to Judge Reyes re courtesy copy	00:12	300.00	60.00
(25 Jul) review ltr to Judge Reyes	00:12	300.00	60.00
(3 Oct) view order granting prelim approval	00:30	300.00	150.00
(6 Oct) view order granting prelim approval, view settlement agreement	03:00	300.00	900.00
(6 Oct) reasearch related to magistrate issue	02:30	300.00	750.00
(7 Oct) phone call w/ co-counsel re prelim approval order	00:42	300.00	210.00
(7 Oct) emails re setting of pertinent dates culled from order	00:24	300.00	120.00
(8 Oct) phone call w/ co-counsel re magistrate issue	00:12	300.00	60.00
(8 Oct) call from kcc	00:06	300.00	30.00
(8 Oct) email w/ co-counsel re magistrate issue	00:12	300.00	60.00
(14 Oct) emails re claim form, notice, lash withdrawing	00:00	300.00	0.00
(15 Oct) call w/ H&R re lash	00:24	300.00	120.00
(15 Oct) call w/ spencer fane re lash	00:06	300.00	30.00
(21 Oct) view settlement website, emails re same	01:30	300.00	450.00
(21 Oct) send to H&R notice of withdrawal of attorney, notice of appearance	00:24	300.00	120.00
(22 Oct) view admin declaration	00:12	300.00	60.00
(23 Oct) view admin declaration	00:12	300.00	60.00
(3 Nov) view admin declaration	00:06	300.00	30.00

Description	Quantity (hh:mm)	Unit Price	Amount USD
(30 Dec) emails re arrange conf call re final hearing	00:12	300.00	60.00
(5 Jan) emails w/ co-counsel re final hearing	00:12	300.00	60.00
(5 Jan) phone call w/ co-counsel re submission due Jan 27	00:42	300.00	210.00
(14 Jan) reseeearch case law related to attorneys fees application	04:00	300.00	1,200.00
(20 Jan) prepare decalaration in support of attorneys fees	00:42	300.00	210.00
(20 Jan) emails w/ Saxl re staus of settlement and confirm that we are submitting papers	00:12	300.00	60.00
		Subtotal	54,030.00
		Tax Total	0.00
		Total USD	54,030.00

PAYMENT ADVICE

To: The Law Offices of Shimshon Wexler,
PC
Shimshon Wexler
212-760-2400

Customer
Invoice Number

Katz vABP
INV-1

Amount Due
Due Date

54,030.00 USD
Thu, Feb 5 2015

Amount Enclosed

Enter the amount you are paying
above